

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.  
1:12-CV-10430-WGY

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KEN WILLIAMS,

Plaintiff,

v.

THE CITY OF BROCKTON,

WILLIAM K. CONLON, Individually and as Chief of  
Police,

EMANUEL GOMES, Individually and as Interim Chief  
of Police,

BRIAN LEARY, Individually and as a Brockton Police  
officer ,

LON ELLIOTT, Individually and as a Brockton Police  
officer,

AND

THE BROCKTON RETIREMENT BOARD,

WILLAM R. FARMER, Individually and as a member  
of the Brockton Retirement Board,

WILLIAM E. PARLOW, Individually and as a member  
of the Brockton Retirement Board,

MATTHEW J. MCLAUGHLIN, Individually and as a  
member of the Brockton Retirement Board,

EDWARD P. MACK, Individually and as a member  
of the Brockton Retirement Board,

HEIDI A. CHUCKRAN, Individually and as a member  
of the Brockton Retirement Board,

Defendants.

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ANSWER OF DEFENDANTS BROCKTON RETIREMENT BOARD, WILLIAM R. FARMER, WILLIAM E. PARLOW, MATTHEW J. MCLAUGHLIN, EDWARD P. MACK AND HEIDI A. CHUCKRAN

1. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 1 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
2. Admit.
3. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 3 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
4. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 4 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
5. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 5 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
6. The Defendants have insufficient information to form a belief as to the truth of the allegation contained in paragraph 6 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
7. The Defendants have insufficient information to form a belief as to the truth of the allegation contained in paragraph 7 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

The Retirement Board Defendants

8. The Defendants admit that the Brockton Retirement Board (the "BRB") is organized under the laws of the Commonwealth of Massachusetts and administers retirement benefits for certain public employees of the City of Brockton but, denies the remaining allegations in paragraph 8 of the Plaintiff's complaint.
9. The Defendant William Farmer admits that he is a Massachusetts resident and is Chairman of the BRB but, denies the remaining allegations in paragraph 9 of the Plaintiff's complaint.
10. The Defendant William Parlow admits that he is a Massachusetts resident and is an elected member of the BRB but, denies the remaining allegations in paragraph 10 of the Plaintiff's complaint.

11. The Defendant Matthew J. McLaughlin admits that he is a Massachusetts resident and is an appointed member of the BRB but, denies the remaining allegations in paragraph 11 of the Plaintiff's complaint.
12. The Defendant Edward P. Mack admits that he is a Massachusetts resident and is an elected member of the BRB but, denies the remaining allegations in paragraph 12 of the Plaintiff's complaint.
13. The Defendant Heidi A. Chutkan admits that she is a Massachusetts resident and is an Ex Officio member of the BRB but, denies the remaining allegations in paragraph 13 of the Plaintiff's complaint.
14. Paragraph 14 states a legal conclusion and requires no answer.

JURISDICTION AND VENUE

15. Denied.

FACTS RELEVANT TO ALL COUNTS

16. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 16 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
17. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 17 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
18. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 18 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
19. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 19 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
20. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 20 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
21. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 21 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

THE RACIAL HARASSMENT OF JOSE SEMEDO GIVING RISE TO FIRST  
AMENDMENT CLAIMS AND RETALIATION AGAINST WILLIAMS



22. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 22 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
23. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 23 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
24. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 24 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
25. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 25 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
26. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 26 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
27. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 27 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
28. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 28 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
29. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 29 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
30. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 30 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
31. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 31 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
32. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 32 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
33. The Defendants' have insufficient information to form a belief as to the truth of the

allegation contained in paragraph 33 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

34. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 34 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

CONTINUED HARASSMENT OF WILLIAMS BY ELLIOTT AND THE BPD  
THROUGH THE TIME WILLIAMS WAS FORCED TO RETIRE

35. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 35 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
36. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 36 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
37. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 37 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
38. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 38 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
39. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 39 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
40. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 40 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
41. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 41 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
42. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 42 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

UNCONSTITUTIONAL PRACTICES OF THE BPD AND BRB, AND THE  
RETALIATORY ACTS OF THE DEFENDANTS TAKEN AGAINST WILLIAMS  
BASED ON HIS DISABILITY

43. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 43 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
44. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 44 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
45. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 45 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
46. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 46 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
47. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 47 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
48. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 48 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
49. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 49 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
50. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 50 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
51. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 51 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
52. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 52 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
53. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 53 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
54. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 54 of the Plaintiff's complaint and calls upon the



Plaintiff to prove the same.

55. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 55 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

56. Denied.

57. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 57 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

#### COUNT I

58. The BRB Defendants restate and reaver all of its responses made in paragraph 1-57 of this Answer.

59. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 59 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

60. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 60 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

61. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 61 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

62. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 62 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

63. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 63 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

#### COUNT II

64. The BRB Defendants restate and reaver all of its responses made in paragraph 1-63 of this Answer.

65. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 65 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

66. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 66 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
67. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 67 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
68. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 68 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
69. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 69 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
70. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 70 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.

#### COUNT III

71. The BRB Defendants restate and reaver all of its responses made in paragraph 1-70 of this Answer.
72. The Defendants' have insufficient information to form a belief as to the truth of the allegation contained in paragraph 72 of the Plaintiff's complaint and calls upon the Plaintiff to prove the same.
73. Denied
74. As to the BRB Defendants' denied.

#### COUNT IV

75. The BRB Defendants restate and reaver all of its responses made in paragraph 1-74 of this Answer.
76. As to the BRB Defendants' denied.

#### AFFIRMATIVE DEFENSES

1. As to each and every Count and allegation, the Plaintiff has failed to state a claim for which relief may be granted.



2. The Plaintiff's claims are barred under the doctrine of unclean hands.
3. The Plaintiff's claims to relief are barred under the doctrine of estoppel.
4. The Defendants' actions and conduct were lawful, justified and privileged.
5. The Plaintiff has failed to join a necessary party needed for just adjudication.
6. The Court lacks jurisdiction over the subject matter of the Plaintiff's complaint against the Defendants.

THE DEFENDANTS DEMAND A JURY TRIAL ON ALL TRIABLE ISSUES.

Respectfully submitted,  
WILLIAM R. FARMER, INDIVIDUALLY AND AS  
A MEMBER OF THE BROCKTON RETIREMENT BOARD et al

By their attorney



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CERTIFICATE OF SERVICE

I, Gregory F. Galvin, hereby certify that I have, this date, served the foregoing Defendant's Answer by mailing, postage prepaid, a copy of the same to counsel of record:

John J. Hightower, Esq.  
90 Pleasant Street., #12  
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Stephen C. Pfaff  
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DATED: September 4, 2012



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